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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,491	12/04/2003	Yoshio Mukaiyama	10517/199	7538

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KENYON & KENYON  
1500 K STREET, N.W., SUITE 700  
WASHINGTON, DC 20005

EXAMINER

NGUYEN, THU V

ART UNIT PAPER NUMBER

3661

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/726,491

Applicant(s)

MUKAIYAMA, YOSHIO

Examiner

Thu Nguyen

Art Unit

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/4/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed December 4, 2003 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each foreign patent. Furthermore, the first two cited foreign patent documents do not seem to have correct document numbers. The first document is said to be discussed in page 1 of the specification, this is not correct, since the specification page one does not discuss any reference, page two of the specification discusses document 2000-311294 instead. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should avoid the form and legal phraseology often used in patent claims, such as "means" and "said".

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4: Claims 1-5, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al (US 2003/0125846) in view of Breed et al (US 2002/0198632).

As per claim 1, Yu teaches a communication apparatus capable of establishing two way communication with a foreign moving object, the apparatus comprises: collection device for collecting a plurality of pieces of information (para 0083-0086); selection device for selecting pieces of information to be transmitted to the foreign moving object and a transmission device that transmits only the selected pieces of information to the foreign moving object (para 0043; 0051). Yu does not explicitly teach that the communication apparatus should be implemented in a vehicle. However, Yu suggest implementing a communication system on a vehicle capable of transmitting a selected information to other foreign moving object (para 0057), further, Breed teaches that a communication apparatus can be implemented either at a fixed location or in a vehicle (para 0348, 0345). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the communication apparatus of Yu to a vehicle as suggested by Breed in order to facilitate communication between moving objects.

As per claim 2-5, Yu teaches selecting information according to a type of the foreign moving object (para 0051, 0043) or the relationship between the vehicle and the foreign moving object and a circumstance in which the foreign object run (para 0044). Moreover, Yu teaches selecting information according to user preference of the foreign moving object (para 0040), further, generating request for information would have been well known.

As per claim 17, refer to claim 1 above.

5. Claims 6-10, 12-16, 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu et al (US 2003/0125846) in view of Breed et al (US 2002/0198632) and further in view of Taylor (US 2003/0169185).

As per claim 6-10, Breed teaches the capability of transmitting emergency messages at priority level (para 0349; 0300-0302). Moreover, Taylor teaches determining an emergency level with the foreign object on the basis of relationship between the vehicle and the foreign object, determining foreign object to be communicated with, and providing information concerning emergency level (para 0054; 0076; 0095-0135); moreover, changing frequency in accordance with the emergency level for adjusting the frequency of message sending would have been well known. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the capability of categorizing information into different emergency level in order to facilitate providing warning to the user accordingly.

As per claim 12-16, refer to claims 1, 7-8 above. Moreover, Breed teaches the moving object reception device and the capability of providing emergency information and collision avoidance (para 0300-0302), furthermore, Taylor teaches including the capability of recognizing emergency level from a received information (para 0095-0135), moreover, processing data according to the emergency level would have been well known.

As per claim 18, 20, refer to claim 6, 12 above.

6. Claims 11, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breed et al (US 2002/0198632) in view of Yu et al (US 2003/0125846).

As per claim 11, 19, Breed teaches a vehicular communication apparatus for bi-directional communication. The apparatus comprises: a transmission device for transmitting information including an identification code for the foreign moving object to identify the vehicle, a reception device and the detection device (para 0344-0345). Breed does not explicitly teach a collection device, a selection device as claimed. However, Yu teaches the collection and the selection device (refer to claim 1 above). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the collection and selection device of Yu to the system of Breed in order to facilitate transmitting only relevant information to the foreign moving objects of Breed.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-7687, (for formal communications intended for entry)

**Or:**

Art Unit: 3661

(703) 305-7687 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451  
Crystal Drive, Arlington. VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The  
examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's  
supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for this  
Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 308-1111.



**THU V. NGUYEN**  
**PRIMARY EXAMINER**  
September 18, 2004